



**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION**

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DIVISION OF ENFORCEMENT

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March 9, 2020

Via ECF
Hon. P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Conference adjourned from March 26, 2020 to
May 21, 2020 at 12:00 p.m.

SO ORDERED.

Dated: 3/10/2020

A handwritten signature in black ink, appearing to read "P. Kevin Castel", written over a horizontal line.

P. Kevin Castel
United States District Judge

Re: *SEC v. Debo*, 20-cv-6 (PKC) (S.D.N.Y.)

Dear Judge Castel:

Plaintiff Securities and Exchange Commission ("Commission") respectfully writes to seek a 45-day adjournment of the initial pretrial conference currently scheduled for March 26, 2020. The Commission has made a request under the Hague Convention to serve the sole defendant in this action, Ulrik Debo ("Debo"), in the United Kingdom, but service has not yet been effected.

As background, the Commission filed this action on January 2, 2020. The same day, the United States Attorney's Office for the Southern District of New York ("USAO") unsealed criminal charges against Debo and others in *United States v. Ciapala*, 19-cr-874 (GBD) (S.D.N.Y.). The Commission understands that Debo was arrested in the U.K. and is currently being detained in the HMP Wandsworth facility in London. The Commission understands that the USAO is seeking Debo's extradition to the United States to face the criminal charges.¹ While the Commission also understands that Debo has retained U.S.-based counsel in the criminal case, no counsel has entered an appearance in the criminal case and no counsel has appeared in this Commission action on Debo's behalf.

Meanwhile, on January 17, 2020, the Commission sent a service request under the Hague Service Convention (the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters), with the Court's Initial Pretrial Conference Order (Doc. 8), to the Royal Court of Justice in London for delivery to Debo. The Hague service request was returned, however, because it did not include Debo's U.K. prisoner number, which was not publicly available. The Commission subsequently obtained the prisoner number through the U.K. Financial Conduct Authority, the Commission's counterpart in the U.K. On March 4, the Commission sent another Hague Service Convention request to the Royal Court, and the request appears to have been delivered on March 6. The Commission understands that it

¹ The USAO proceeding includes criminal charges against Kenneth Ciapala, a Swiss resident, and his Swiss company, Blacklight SA. The Commission filed separate actions against Ciapala and Blacklight—*SEC v. Bajic*, 20-cv-7 (LGS) (S.D.N.Y.) and *SEC v. Ciapala*, 20-cv-8 (PGG) (S.D.N.Y.).

typically takes approximately two months for service to be completed in the U.K. under the Hague Service Convention.

The Court's Initial Pretrial Conference Order, as modified by the Court's March 2 docket entry Notice, scheduled a conference under Federal Rule of Civil Procedure 16 for March 26 at 12:30 p.m., and directed the parties to submit a joint letter five business days before, or by March 19. The Commission does not anticipate that it will have effected service on Debo by either date. The Commission therefore respectfully requests that the Court adjourn the conference for 45 days, by which time the Commission hopes that service on Debo will have been effected. If the Court prefers to hold the conference on March 26 as scheduled, the Commission is prepared to submit its own proposed scheduling letter by March 19.

Respectfully submitted,

/s/ Paul G. Gizzi

Paul G. Gizzi
Senior Trial Counsel